

REISSUE APPLICATION DECLARATION BY THE ASSIGNEE

Docket Number (optional)
396542

I hereby declare that:

My residence and post office address and citizenship are stated below next to my name.

I am authorized to act on behalf of the following assignee: Foliar Nutrients, Inc.

and the title of my position with said assignee is: President

The entire title to the patent identified below is vested in said assignee.

Name of Patentee(s):
John B. TaylorPatent Number
5,997,910Date of Patent Issued
December 7, 1999Title of Invention
PLANT FERTILIZER COMPOSITIONS CONTAINING PHOSPHONATE AND PHOSPHATE SALTS AND DERIVATIVES THEREOF

I believe said patentee(s) to be the original, first and sole/joint inventor(s) of the subject matter which is described and claimed in said patent, for which a reissue patent is sought on the invention entitled PLANT FERTILIZER COMPOSITIONS CONTAINING PHOSPHONATE AND PHOSPHATE SALTS AND DERIVATIVES THEREOF.

the specification of which

 is attached hereto. was filed on _____ as reissue application number _____ /
and was amended on _____

(If applicable)

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

I verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below. (Check all boxes that apply.)

 by reason of a defective specification or drawing. by reason of the patentee claiming more or less than he had the right to claim in the patent. by reason of other errors.

At least one error upon which reissue is based is described as follows: that the "millimole" language at column 3, line 52 and column 4, line 51 is an obvious typographical error in that "millimole" was intended to be "millimolar" in the specified concentration range as "millimolar" is a unit of concentration while "millimole" is not;

that the phosphonate salt formula at column 8, lines 27-35 contains an obvious typographical error in that the bond between P and R2 has to be a single bond rather than a double bond as shown;

that the specification at column 8, lines 49-50 and claim 1 at column 10, line 26 contains an obvious typographical error in that the term "alkinyl" was clearly intended to be "alkynyl"; and

that the Patentee did not claim all that he had the right to claim in the patent in that the method of the invention was not claimed in an alternative fashion reciting the materials used in the preparation of the first and second salts, such alternative method being clearly supported in the specification of the patent.

Patentee respectfully submits that the statements of errors herein comply with the requirement of 37 C.F.R. § 1.175 (a)(1) of identifying the errors in the original patent relied upon as the basis of reissue. However, Patentee respectfully submits that the statements above do not constitute an admission that those errors render the original patent claims inoperative or invalid.

[Attach additional sheets, if needed.]

All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant.

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 0.5 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

PTO/USPTO (04-04)
Approved for use through 12/31/2000. OMB 0611-0053
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no person is required to respond to a collection of information unless it displays a valid OMB control number.

(REISSUE APPLICATION DECLARATION BY THE ASSIGNEE)		Docket Number (Optional) 360542																								
<p>I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%;">Name(s)</td> <td style="width: 85%;">Registration Number</td> </tr> <tr> <td>Kenneth D. Goetz</td> <td>32,800</td> </tr> <tr> <td>William A. Rudy</td> <td>34,915</td> </tr> <tr> <td>Peter C. Knape</td> <td>37,860</td> </tr> <tr> <td>Janelle D. Strode</td> <td>34,788</td> </tr> </table>			Name(s)	Registration Number	Kenneth D. Goetz	32,800	William A. Rudy	34,915	Peter C. Knape	37,860	Janelle D. Strode	34,788														
Name(s)	Registration Number																									
Kenneth D. Goetz	32,800																									
William A. Rudy	34,915																									
Peter C. Knape	37,860																									
Janelle D. Strode	34,788																									
<p>Correspondence Address: Direct all communications about the application to:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%; text-align: center; padding: 5px;"> <input type="checkbox"/> Customer Number Off </td> <td style="width: 40%; text-align: center; padding: 5px;"> <input type="text"/> → Type Customer Number Here </td> <td style="width: 30%; text-align: center; padding: 5px;"> <input type="checkbox"/> Place Customer Number Bar Code Label Here </td> </tr> </table>			<input type="checkbox"/> Customer Number Off	<input type="text"/> → Type Customer Number Here	<input type="checkbox"/> Place Customer Number Bar Code Label Here																					
<input type="checkbox"/> Customer Number Off	<input type="text"/> → Type Customer Number Here	<input type="checkbox"/> Place Customer Number Bar Code Label Here																								
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 20%; text-align: center; padding: 5px;"> <input checked="" type="checkbox"/> Firm or Individual Name </td> <td colspan="3" style="width: 80%; padding: 5px;">LATHROP & GAGE LC</td> </tr> <tr> <td style="text-align: center; padding: 5px;">Address</td> <td colspan="3" style="padding: 5px;">2045 Grand Boulevard</td> </tr> <tr> <td style="text-align: center; padding: 5px;">Address</td> <td colspan="3" style="padding: 5px;">Suite 2500</td> </tr> <tr> <td style="text-align: center; padding: 5px;">City</td> <td style="padding: 5px;">Kansas City</td> <td style="text-align: center; padding: 5px;">State</td> <td style="padding: 5px;">Missouri</td> </tr> <tr> <td style="text-align: center; padding: 5px;">Country</td> <td colspan="3" style="padding: 5px;">United States of America</td> </tr> <tr> <td style="text-align: center; padding: 5px;">Telephone</td> <td style="padding: 5px;">(816) 460-8849</td> <td style="text-align: center; padding: 5px;">Fax</td> <td style="padding: 5px;">(816) 262-2001</td> </tr> </table>			<input checked="" type="checkbox"/> Firm or Individual Name	LATHROP & GAGE LC			Address	2045 Grand Boulevard			Address	Suite 2500			City	Kansas City	State	Missouri	Country	United States of America			Telephone	(816) 460-8849	Fax	(816) 262-2001
<input checked="" type="checkbox"/> Firm or Individual Name	LATHROP & GAGE LC																									
Address	2045 Grand Boulevard																									
Address	Suite 2500																									
City	Kansas City	State	Missouri																							
Country	United States of America																									
Telephone	(816) 460-8849	Fax	(816) 262-2001																							
<p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.</p>																										
<p>Full name of person signing (given name, family name)</p> <p>John B. Taylor</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center; padding: 5px;">Signature</td> <td style="width: 50%; text-align: center; padding: 5px;">Date 10/19/01</td> </tr> </table>			Signature	Date 10/19/01																						
Signature	Date 10/19/01																									
<p>Address of Assignee 320 First Avenue, N.E., Cairo, Georgia 31728</p>																										
<p>Patentee John B. Taylor</p>		<p>Citizenship United States of America</p>																								
<p>Residence/Post Office Address 1420 Lemon Street, DeLand, Florida 32720 ~32720</p>																										
<p>Patentee</p>		<p>Citizenship</p>																								
<p>Residence/Post Office Address</p>																										
<p><input type="checkbox"/> Additional Patentees are named on separately numbered sheets attached hereto.</p>																										